

**Ravalli County Planning Board
Meeting Minutes for July 18, 2007
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Saddle Hills (Sardot) Major Subdivision and Two Variance Requests

Plat Evaluation
Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Chip called the meeting to order at 3:00 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
Phil Connelly (present)
Ben Hillicoss (present)
Dan Huls (absent – excused)
JR Iman (present)
Lee Kierig (present)
Maura Murray (absent – excused)
Chip Pigman (present)
Les Rutledge (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Karen Hughes
Kimberli Imig
Shaun Morrell
Tristan Riddell
Renee Van Hoven

3. Approval of Minutes

Chip asked if there were any corrections or additions to the minutes from June 27, 2007. There were none. The minutes were approved.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Saddle Hills (Sardot) Major Subdivision and Two Variance Requests

(i) Staff Report on the Subdivision Proposal

Renee stated that there were a few concerns regarding legal access and Staff received updated easement information, but has not had time to review the new information. She noted the applicant asked that the Planning Board discuss the major issues and to postpone the Planning Board's formal recommendation for the time being. She explained that the discussion on this subdivision will be similar to a plat evaluation under the old Subdivision Regulations. (See Attachment B, Memo from Renee Van Hoven with Saddle Hills Draft Staff Report)

Phil asked if the new information changed Staff's recommendation on the subdivision.

Renee said that it did not at this point since Staff did not have time to review the information.

(ii) Presentation by Subdivider's Representative

Terry Nelson, from Applebury Survey, said he asked to have this meeting to receive feedback from the Board and public so any concerns or suggestions can be addressed in time for the formal Planning Board meeting. He summarized the proposal and disputed Staff's recommendation to restrict the future subdivision of Lot 20.

Jason Rice, from Territorial-Landworks, explained the variance requests and proposed mitigation, which included improving Upper Woodchuck Road in lieu of paying pro rata on both Upper Woodchuck Road and Eight Mile Creek Road. He was concerned that pro rata money is not necessarily applied to the affected roads.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals

There was none.

(iv) Planning Board deliberation and recommendation on the subdivision proposal

The Board discussed FWP's determination that the property is in elk winter range. **John Vore** of FWP confirmed that the property is within elk winter range based on his site visits. He reiterated FWP's recommendation that Lot 20 be restricted from

further development and their preference that any development of the site be tightly clustered, or only a few, large lots.

The Board discussed the future subdivision of Lot 20. **Shaun** clarified that Staff's recommendation is to restrict future development until permanent zoning is put in place. **Renee** noted that Staff was having a hard time determining wildlife impacts from this subdivision or potential mitigation because there is no wildlife plan or zoning in place.

The Board discussed development off Upper Woodchuck Road in Missoula County. **Jason Rice** referred to an exhibit noting that approximately 160 lots north of the county line are accessed off Upper Woodchuck Road. (See Attachment C, Map submitted by Jason Rice)

Les stated that in the past, the Board required property owners to fence irrigation ditches.

Terry Nelson stated that no fencing is required for a ditch of this size.

The Board discussed irrigation water rights. **JR** stated that he would like a notification on the plat stating that lot owners do not have water rights. He also noted that there have not been improvements to County roads within the last 15 years.

Renee stated that Jeff Peters was allowed to do improvements to a county-maintained road leading to his subdivision in lieu of pro rata. He worked out a deal with David Ohnstad. She noted this may be a possibility for Saddle Hills.

8. Public Hearing

(A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request

- (i) Staff Report on the Subdivision: **Tristan Riddell** gave an overview of the subdivision proposal and variance request and stated Staff recommended denial of the variance request and hence denial of the subdivision due to the fact that the subdivision is not complete without an approved variance request or a design that meets the Subdivision Regulations. He entered the Staff Report into the record. (See Attachment D, Burr Creek Ranch (Burr Creek Ranch, LLC) Staff Report, Attachment E, Update to the Burr Creek Ranch Staff Report, and Attachment F, Comments from the Victor Volunteer Fire Department and Paula Lukaszek)
- (ii) Three Minute Rule Waiver Requests

There were none.
- (iii) Public Comment on the Subdivision Proposal and Variance Request
 - (a) Persons in Favor

Paul Shirley, the landowner, stated that the proposal is for 14 homes on 150 acres and the purchasers will be established people. He said that the reason

for staff denial was not clear to him until last week. He noted that the Victor Fire District approved their proposed mitigation, but did not give that information to him or the Planning Department until today.

Bill Burnett, PCI, gave a summary of the subdivision proposal. There would be 14 lots and 26.6 acres as a common area. Guest houses that were previously proposed were dropped from the proposal. He noted that in regard to the variance from cul-de-sac length, Burr Creek Ranch Road is a private road with low traffic. The road has two roundabouts so emergency vehicles do not have to go to the end and turn around. The proposal includes an emergency access near the end of the cul-de-sac so the residents can leave in case of an emergency.

He noted that should Fred Burr Dam break, the water will take two hours to hit the subdivision and the amount of water would only be one-and-a-half feet of water or less. He explained that the duration of the flood would be approximately two hours. He stated that west of the creek would be fine during an inundation, and residents east of the creek could use the emergency access. He also noted that each lot has a buildable site out of the inundation zone.

He explained that all septic drainfields will be located 100 feet from the 100-year floodplain. He noted that a portion of the subdivision is in the floodplain and that if additional homes are built, the status of the dam would be elevated to high hazard. He explained that Zone A is a no-build/no-alteration zone around the 100-year floodplain. Zone B is a temporary no-build zone based on the clear weather breach zone of Fred Burr Dam. The temporary status can be removed or revised if the dam status changes, but only by the governing body.

Regarding fire protection, he noted that an emergency connection will be built to Moose Hollow with a breakaway gate. The applicant will build run out driveways along Burr Creek Road to use if needed for fire trucks.

He explained that the Bull trout will be protected by the no-build/alteration zones and the site is only marginal habitat for the Bobolink per FWP. The developer has proposed a common area of 26.6 acres and mitigation to protect the potential Bobolink habitat by limiting development of Lots 1 through 5 to a ¼-acre adjacent to those homes.

(b) Persons Opposed

Jan Varner was concerned about maintenance of Moose Hollow Road. He noted that it is a tree-lined, 20-foot wide, county-owned, but not county-maintained road. Maintenance on the road is done by other property owners on Moose Hollow Road. The last 3/8 mile to the proposed subdivision is in poor condition because of a steep hill and sharp turn which make it inaccessible at certain times during the winter. He was concerned about safety because of the narrowness of the road and impacts to children and wildlife. He stated that the developer has built one home on the property and the emergency access road is already in use. He did not want Moose Hollow Road to be used as the emergency access.

Roger De Haan summarized comments he submitted to the Board in letter format. (See Attachment G, Letter from Roger De Haan)

Darlene Golas, a neighbor to the proposal, expressed that Moose Hollow residents are worried that the emergency access will be used for through traffic. The Moose Hollow Road Association has never been approached about Burr Creek Ranch using the road for emergency access. She asked what repercussions could be taken by the group that maintains Moose Hollow Road if the emergency access is used for more than emergencies. She stated that the limit on the road seems unenforceable.

(c) Rebuttal

Bill Burnett noted that DEQ approved all the septic permits and noted that there are water rights, but past watering practices will not be used.

Tom Hanson explained that the gate currently at the site is not the final emergency gate that will be used and only emergency services would have the key to the gate. He did not foresee future residents using Moose Hollow when the residents already have paved roads.

John Kellogg summarized the ultimate goal, which is to get a through road between Red Crow Road and Meridian Road.

(d) Close: Public Comment

(iv) Board Deliberation on Variance Request 1 (Cul-de-sac length)

(a) Board discussion and questions (to proponents and opponents as needed)

Phil asked Staff if they still recommend denial with all the proposed mitigation.

Renee asked how residents could flee from the subdivision if the cul-de-sac was blocked. She also noted that Staff did not receive the letter from the Victor Fire District until 2:00PM today.

Lee stated that limitation on a dead end cul-de-sac is a concern. He noted that if there was a loop in the road, the developer would not need a variance. He asked Staff if they were looking for a secondary way out of the subdivision if the primary route is blocked.

Tristan confirmed that statement.

Les asked the capacity and condition of the bridge leading to the subdivision and asked what would happen if it fails.

Tom Hanson stated that it was engineered not to fail.

JR recommended that the developer split water rights among Lots 1 through 4 so that past watering practices could continue. He discussed the differences between cul-de-sacs and hammerhead turnarounds.

Ben asked how sprinkler irrigation would affect Bobolink habitat.

Bill Burnett stated that John Vore said irrigation was better for the bird, which means that they could expand irrigation to more areas than the common area as recommended by JR.

Ben recommended placing a sign 100 yards back from turn outs so inexperienced fire truck drivers would know one was available. He also recommended that the subdivision have regular access to Moose Hollow Road so that there would always be two ways to exit the area.

Darlene asked if future lot owners in this subdivision would help pay for Moose Hollow Road maintenance and noted that enforcement of the issue will be difficult.

Ben suggested that the groups negotiate that.

Dale stated that the developer should maintain Moose Hollow Road to assist emergency vehicles who need to access the subdivision.

Ben asked if Staff was still recommending denial of the subdivision.

Tristan responded that they were because they have not had time to process the new material. Given time, there may be a chance for a different recommendation, but based on public health and safety issues, the current recommendation is still for denial.

Tom Hanson asked that the subdivision's public hearing be continued to August 1, 2007, at 7:00 p.m.

(b) Board action

The Board agreed to continue the public hearing to that time and date.

9. **Communications from Staff**

Karen explained the packet of information she gave to the Board. (See Attachment H, Email regarding next set of meetings, Memo regarding next set of meetings, Updated graphs from Larry Swanson and an updated Report from PPRI on Public Involvement Process for Ravalli County Zoning Initiative) She explained that the next set of zoning meetings will involve Larry Swanson to create enthusiasm for the following sets of meetings, including the Nuts & Bolts sessions and the Community Planning Committee workshops. She hoped that either PPRI or the Sonoran Institute would be able to lead the Community Planning Committee Workshops. She noted that the zoning workshops shifted to question-and-answer sessions and the set of meetings will start in the beginning of August and end during the beginning of November. In addition, Karen noted she would be issuing an RFP or RFQ for a planning consultant to help coordinate the zoning process. She asked the Land Use Subcommittee if they would be

interested in refining the Community Planning Committee Reference Manual and the Public Involvement Plan so they are ready to use prior to starting the community meetings.

10. **Communications from Public**

There was none.

11. **Communications from Board**

The Board discussed the Land Use Subcommittee and it was confirmed that they would hold a meeting the following day.

12. **New Business**

(A) Screening Committee Rotation

The Board agreed that Screening Committee members for the month of August will be **Lee, Dale** and **Mary Lee**. **Bob** volunteered to be the alternate.

13. **Old Business**

There was none.

14. **Next Regularly Scheduled Meeting: August 1, 2006 at 7:00 p.m.**

(A) Burr Creek Ranch (Burr Creek Ranch, LLC) Major Subdivision and One Variance Request
– Public Hearing Continuation

15. **Adjournment**

Chip adjourned the meeting at 5:35 p.m.